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MEMORANDUM FOR: Mr. [   ]
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FROM: [   ]
Acting Director of Security

SUBJECT: APEX Special Access Control System

    1.   Representatives of the Office of Security have submitted comments and suggested changes to previous drafts of the APEX Security Manuals, some of which appear to have been incorporated in the most recent draft, some of which have not. This memorandum will not reiterate those previous suggested changes relating to syntax, grammar or minor alter- ations. However, we do wish to express a general concern regarding the lack of specificity of the manuals and also suggest three specific changes.

    2.   Regarding the lack of specificity, one of the most recurring comments received by representatives of the Office of Security during discussions with corporate security officers is the lack of uniformity among the various Intelligence Community customers concerning security procedures or directives. These corporate representatives express a desire to have a manual that provides specific policies, procedures and detailed guidance that can uniformly be applied to various SCI customers. The proposed manuals provide guidelines for the security and control of APEX material, but agencies are expected to "continue to provide basic direction and classification guidance." There are several instances of vague terminology in the manual, e.g., "timely submission," "as soon as possible," "as soon as feasible," etc., which will beg the issuance of a host of implementing directives - probably in conflict with one another - from several Government agencies engaged in compartmented activities and result in a lack of uniformity.

    3.   Three specific changes requested by the Office of Security are as follows:

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OS 9 2481-A

ADMINISTRATIVE INTERNAL USE ONLY

a. Courier Procedures

The proposed manuals prohibit transmittal of
APEX material via non-U. S. Government-operated
or charter aircraft except when the Armed Forces
Courier Services (AFCOS) are used. The Security
Staff, OD&E/DDS&T, operates an extensive courier
system that carries a large volume of SCI material
on both domestic and international air routes.
They are required to utilize commercial air
carriers frequently. In addition, professional
security officers of the Office of Security are
occasionally dispatched in response to special
courier requirements and require use of commercial
air carriers. It is requested that the restriction
on transmittal of APEX material via non-U. S.
Government-operated or chartered aircraft be removed.

b. Termination Secrecy Agreements

The manuals require Termination Secrecy
Agreements be executed for individuals being
debriefed from APEX access. The Office of Security
endorses this concept, however, requests the form
be entitled Termination of Access/Security Reminder
vice Termination Secrecy Agreement. This is com-
patible with recent legal decisions that the term
"Security Reminder" is preferable to a "Secrecy
Agreement" since there really is no valid agree-
ment (i.e., contract) upon termination because of
a lack of consideration, in the legal sense. The
Office of Security is in the process of having
the present form revised along the lines suggested.

c. Congressional Access

Section XVI, paragraph 5, page 29, of the
Government Manual states requests for exceptions to
clearance standards in the case of nonelected persons
in the Legislative Branch should be referred to
the DCI Legislative Counsel for resolution. The
Office of Security takes the position that exceptions
to clearance standards are not the prerogative of the
Legislative Counsel although that could be the channel
for obtaining an exception. Therefore, we recommend
the words "for resolution" be deleted.

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